



February 8, 2006

ENGROSSED HOUSE BILL No. 1238

DIGEST OF HB 1238 (Updated February 7, 2006 10:53 am - DI 71)

Citations Affected: IC 10-14.

Synopsis: Emergency management mobile support. Specifies the types of individuals who and the time frame in which an individual can be called to duty with a mobile support unit. Specifies: (1) liability provisions concerning the individual; and (2) compensation and reimbursement available to a member's employer or a member of a mobile support unit who is not an employee of the state or a political subdivision.

Effective: July 1, 2006.

Welch, Ruppel, Brown T, Brown C
(SENATE SPONSORS — WYSS, CRAYCRAFT, BECKER, SIPES)

January 10, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

January 19, 2006, reported — Do Pass.

January 23, 2006, read second time, ordered engrossed. Engrossed.

January 26, 2006, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 1, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.

February 7, 2006, amended, reported favorably — Do Pass.

C
o
p
y

EH 1238—LS 6745/DI 104+



February 8, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1238

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-14-3-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) The governor,
3 or the **executive** director at the request of the governor, may establish
4 the number of mobile support units necessary to ~~reinforce emergency~~
5 ~~management and disaster organizations in stricken areas with due~~
6 ~~consideration of the plans of the federal government and of other states.~~
7 **respond to a disaster, public health emergency, public safety**
8 **emergency, or other event that requires emergency action. A**
9 **mobile support unit may consist of at least one (1) individual.** The
10 **executive** director shall appoint a commander for each unit who has
11 primary responsibility for the:
12 (1) organization;
13 (2) administration; and
14 (3) operation;
15 of the unit. Mobile support units shall be called to duty **for training,**
16 **an exercise, or a response** upon orders of the governor or the
17 **executive** director and shall perform ~~their the units'~~ functions in any

EH 1238—LS 6745/DI 104+



C
o
p
y

part of Indiana or in other states, upon the conditions specified in this section. **The term of this duty shall be for a limited period of not more than sixty (60) days. However, the executive director may renew the duty orders for successive periods of not more than sixty (60) days if necessary for the mobile support unit to participate in or respond to the event.** Members serving on the mobile support units are immune from discipline or termination by ~~their~~ **the members'** employers for serving in the units.

(b) An individual selected to serve as a member of a mobile support unit may be unemployed, retired, self-employed, or employed:

(1) in any capacity, including:

- (A) emergency management;**
- (B) fire services;**
- (C) emergency medical services;**
- (D) law enforcement;**
- (E) public health;**
- (F) medicine;**
- (G) public works; or**
- (H) mental health; and**

(2) by any employer, including:

- (A) the federal government;**
- (B) the state;**
- (C) a political subdivision; or**
- (D) a business or organization.**

~~(b)~~ **(c) While on duty personnel for training, an exercise, or a response, an individual serving as a member of a mobile support unit, whether within or outside Indiana:**

(1) if they are employees the individual is an employee of the state or a political subdivision of the state, whether serving within or outside the political subdivision, have the individual has the:

- (A) powers;**
- (B) duties;**
- (C) rights;**
- (D) privileges; and**
- (E) immunities;**

and shall receive the compensation and benefits incidental to their the individual's employment; and

(2) if they are not employees the individual is not an employee of the state or a political subdivision of the state,

(A) may be compensated by the state at a rate approved by the governor and the budget committee; and

**C
o
p
y**



~~(B)~~ are entitled to the same rights and immunities as are provided by law for the employees of this state; and may be reimbursed for all actual and necessary travel and subsistence expenses; **the individual is entitled to the same rights and immunities that are provided for an employee of the state.**

An individual described in this subsection is considered an emergency management worker for purposes of section 15 of this chapter.

(d) If a mobile support unit is deployed outside Indiana under the emergency management assistance compact, an individual serving as a member of the mobile support unit who is not an employee of the state is considered an employee of the state for purposes of the compact.

~~(c)~~ **(e)** Personnel of mobile support units, while on duty, are subject to the operational control of the authority in charge of emergency management activities in the area in which ~~they~~ **the personnel** are serving.

~~(d)~~ **(f)** The state may reimburse a political subdivision for:

- (1) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of ~~employees~~ **an employee** of the political subdivision while ~~the employee~~ **is** serving as ~~members~~ **a member** of a mobile support unit;
- (2) all payments for death, disability, or injury of ~~the employees~~ **an employee** incurred in the course of duty ~~while the employee was serving as a member of a mobile support unit;~~ and
- (3) all losses of or damage to supplies and equipment of the political subdivision ~~resulting from the operation of the~~ **or the employee incurred while the employee was serving as a member of a mobile support unit.**

~~(e)~~ **(f)** If a mobile support unit of another state renders aid in Indiana under the orders of the governor of its home state and upon the request of the governor of Indiana, the state shall reimburse the other state for:

(g) For an individual of a mobile support unit who is not an employee of the state or a public subdivision, the state may:

- (1) the compensation paid ~~compensate the individual:~~
 - (A) at a rate of pay approved by the executive director;**
 - (B) by reimbursing the individual for the** ~~and~~ actual and necessary:
 - ~~(A)~~ **(i)** travel;
 - ~~(B)~~ **(ii)** subsistence; and
 - ~~(C)~~ **(iii)** maintenance;

C
o
p
y



1 expenses of the ~~personnel~~ **individual** of the mobile support
 2 unit ~~while rendering the aid;~~ **incurred while the individual is**
 3 **on duty as a member of a mobile support unit; and**
 4 **(C) for all losses of or damage to supplies and equipment**
 5 **of the individual incurred while the individual is on duty as**
 6 **a member of a mobile support unit; or**

7 (2) **reimburse the individual's employer for:**

8 **(A) the compensation paid and the actual and necessary:**

9 **(i) travel;**

10 **(ii) subsistence; and**

11 **(iii) maintenance;**

12 **expenses of the employee while the employee is on duty as**
 13 **a member of a mobile support unit;**

14 **(B) all payments for:**

15 ~~(A)~~ **(i) death;**

16 ~~(B)~~ **(ii) disability; or**

17 ~~(C)~~ **(iii) injury;**

18 **of the personnel incurred in the course of rendering the aid;**
 19 **employee while the employee was on duty as a member of**
 20 **a mobile support unit; and**

21 ~~(3)~~ **(C) all losses of or damage to supplies and equipment of**
 22 **the other state or a political subdivision of the other state**
 23 **resulting from the rendering of the aid; employer or the**
 24 **employee incurred in the course of duty while the**
 25 **employee was on duty as a member of a mobile support**
 26 **unit.**

27 if the laws of the other state contain provisions substantially similar to
 28 this section or if provisions substantially similar to this section are
 29 contained in a reciprocal mutual aid agreement or compact; or if the
 30 federal government has authorized or agreed to make reimbursement
 31 for the mutual aid:

32 **(f) Personnel of mobile support units of Indiana may not be ordered**
 33 **by the governor to operate in any other state unless:**

34 **(1) the laws of the other state contain provisions substantially**
 35 **similar to this section;**

36 **(2) the reciprocal mutual aid agreements or compacts include**
 37 **provisions providing for such reimbursement; or**

38 **(3) the reimbursement will be made by the federal government by**
 39 **law or agreement.**

40 ~~(g)~~ **(h) An officer or employee of the state by virtue of employment**
 41 **is subject to assignment:**

42 **(1) on a permanent basis to a mobile support unit in accordance**

C
O
P
Y



- 1 with the state:
- 2 (A) emergency management program; and
- 3 (B) emergency operations plan; or
- 4 (2) on a temporary basis to an emergency management activity to
- 5 meet a particular need in the event of an emergency.
- 6 Refusal to accept and perform the duties of an assignment constitutes
- 7 grounds for dismissal from state employment.

**C
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RUPPEL, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred House Bill No. 1238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 17, delete "unit's" and insert "**units**".

Page 2, line 5, after "necessary" insert "**for the mobile support unit**".

Page 2, line 18, delete "or".

Page 2, line 19, delete "and" and insert "**or (H) mental health; and**".

Page 3, line 21, after "while" insert "**the employee is**".

and when so amended that said bill do pass.

(Reference is to HB 1238 as printed January 20, 2006.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

C
o
p
y

